

1 A bill to be entitled
 2 An act relating to trafficking in fentanyl; amending
 3 s. 893.135, F.S.; increasing criminal penalties for
 4 trafficking in fentanyl; providing an effective date.

5
 6 Be It Enacted by the Legislature of the State of Florida:

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 8 Section 1. Paragraph (c) of subsection (1) of section
 9 893.135, Florida Statutes, is amended to read:

10 893.135 Trafficking; mandatory sentences; suspension or
 11 reduction of sentences; conspiracy to engage in trafficking.—

12 (1) Except as authorized in this chapter or in chapter 499
 13 and notwithstanding the provisions of s. 893.13:

14 (c)1. A person who knowingly sells, purchases,
 15 manufactures, delivers, or brings into this state, or who is
 16 knowingly in actual or constructive possession of, 4 grams or
 17 more of any morphine, opium, hydromorphone, or any salt,
 18 derivative, isomer, or salt of an isomer thereof, including
 19 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
 20 (3)(c)4., or 4 grams or more of any mixture containing any such
 21 substance, but less than 30 kilograms of such substance or
 22 mixture, commits a felony of the first degree, which felony
 23 shall be known as "trafficking in illegal drugs," punishable as
 24 provided in s. 775.082, s. 775.083, or s. 775.084. If the
 25 quantity involved:

26 a. Is 4 grams or more, but less than 14 grams, such person
 27 shall be sentenced to a mandatory minimum term of imprisonment
 28 of 3 years and shall be ordered to pay a fine of \$50,000.

29 b. Is 14 grams or more, but less than 28 grams, such
 30 person shall be sentenced to a mandatory minimum term of
 31 imprisonment of 15 years and shall be ordered to pay a fine of
 32 \$100,000.

33 c. Is 28 grams or more, but less than 30 kilograms, such
 34 person shall be sentenced to a mandatory minimum term of
 35 imprisonment of 25 years and shall be ordered to pay a fine of
 36 \$500,000.

37 2. A person who knowingly sells, purchases, manufactures,
 38 delivers, or brings into this state, or who is knowingly in
 39 actual or constructive possession of, 28 grams or more of
 40 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
 41 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
 42 grams or more of any mixture containing any such substance,
 43 commits a felony of the first degree, which felony shall be
 44 known as "trafficking in hydrocodone," punishable as provided in
 45 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

46 a. Is 28 grams or more, but less than 50 grams, such
 47 person shall be sentenced to a mandatory minimum term of
 48 imprisonment of 3 years and shall be ordered to pay a fine of
 49 \$50,000.

50 b. Is 50 grams or more, but less than 100 grams, such

51 person shall be sentenced to a mandatory minimum term of
52 imprisonment of 7 years and shall be ordered to pay a fine of
53 \$100,000.

54 c. Is 100 grams or more, but less than 300 grams, such
55 person shall be sentenced to a mandatory minimum term of
56 imprisonment of 15 years and shall be ordered to pay a fine of
57 \$500,000.

58 d. Is 300 grams or more, but less than 30 kilograms, such
59 person shall be sentenced to a mandatory minimum term of
60 imprisonment of 25 years and shall be ordered to pay a fine of
61 \$750,000.

62 3. A person who knowingly sells, purchases, manufactures,
63 delivers, or brings into this state, or who is knowingly in
64 actual or constructive possession of, 7 grams or more of
65 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
66 thereof, or 7 grams or more of any mixture containing any such
67 substance, commits a felony of the first degree, which felony
68 shall be known as "trafficking in oxycodone," punishable as
69 provided in s. 775.082, s. 775.083, or s. 775.084. If the
70 quantity involved:

71 a. Is 7 grams or more, but less than 14 grams, such person
72 shall be sentenced to a mandatory minimum term of imprisonment
73 of 3 years and shall be ordered to pay a fine of \$50,000.

74 b. Is 14 grams or more, but less than 25 grams, such
75 person shall be sentenced to a mandatory minimum term of

76 imprisonment of 7 years and shall be ordered to pay a fine of
 77 \$100,000.

78 c. Is 25 grams or more, but less than 100 grams, such
 79 person shall be sentenced to a mandatory minimum term of
 80 imprisonment of 15 years and shall be ordered to pay a fine of
 81 \$500,000.

82 d. Is 100 grams or more, but less than 30 kilograms, such
 83 person shall be sentenced to a mandatory minimum term of
 84 imprisonment of 25 years and shall be ordered to pay a fine of
 85 \$750,000.

86 4.a. A person who knowingly sells, purchases,
 87 manufactures, delivers, or brings into this state, or who is
 88 knowingly in actual or constructive possession of, 4 grams or
 89 more of:

90 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

91 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

92 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

93 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

94 (V) A fentanyl derivative, as described in s.

95 893.03(1)(a)62.;

96 (VI) A controlled substance analog, as described in s.
 97 893.0356, of any substance described in sub-sub-subparagraphs

98 (I)-(V); or

99 (VII) A mixture containing any substance described in sub-
 100 sub-subparagraphs (I)-(VI),

101
 102 commits a felony of the first degree, which felony shall be
 103 known as "trafficking in dangerous fentanyl or fentanyl
 104 analogues," punishable as provided in s. 775.082, s. 775.083, or
 105 s. 775.084.

106 b. If the quantity involved under sub-subparagraph a.:

107 (I) Is 4 grams or more, but less than 14 grams, such
 108 person shall be sentenced to a mandatory minimum term of
 109 imprisonment of 15 ~~7~~ years, and shall be ordered to pay a fine
 110 of \$75,000 ~~\$50,000~~.

111 (II) Is 14 grams or more, but less than 28 grams, such
 112 person shall be sentenced to a mandatory minimum term of
 113 imprisonment of 25 ~~20~~ years, and shall be ordered to pay a fine
 114 of \$150,000 ~~\$100,000~~.

115 (III) Is 28 grams or more, such person shall be sentenced
 116 to a mandatory minimum term of imprisonment of 30 ~~25~~ years, and
 117 shall be ordered to pay a fine of \$500,000.

118 5. A person who knowingly sells, purchases, manufactures,
 119 delivers, or brings into this state, or who is knowingly in
 120 actual or constructive possession of, 30 kilograms or more of
 121 any morphine, opium, oxycodone, hydrocodone, codeine,
 122 hydromorphone, or any salt, derivative, isomer, or salt of an
 123 isomer thereof, including heroin, as described in s.
 124 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 125 more of any mixture containing any such substance, commits the

126 first degree felony of trafficking in illegal drugs. A person
127 who has been convicted of the first degree felony of trafficking
128 in illegal drugs under this subparagraph shall be punished by
129 life imprisonment and is ineligible for any form of
130 discretionary early release except pardon or executive clemency
131 or conditional medical release under s. 947.149. However, if the
132 court determines that, in addition to committing any act
133 specified in this paragraph:

134 a. The person intentionally killed an individual or
135 counseled, commanded, induced, procured, or caused the
136 intentional killing of an individual and such killing was the
137 result; or

138 b. The person's conduct in committing that act led to a
139 natural, though not inevitable, lethal result,

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141 such person commits the capital felony of trafficking in illegal
142 drugs, punishable as provided in ss. 775.082 and 921.142. A
143 person sentenced for a capital felony under this paragraph shall
144 also be sentenced to pay the maximum fine provided under
145 subparagraph 1.

146 6. A person who knowingly brings into this state 60
147 kilograms or more of any morphine, opium, oxycodone,
148 hydrocodone, codeine, hydromorphone, or any salt, derivative,
149 isomer, or salt of an isomer thereof, including heroin, as
150 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or

151 60 kilograms or more of any mixture containing any such
152 substance, and who knows that the probable result of such
153 importation would be the death of a person, commits capital
154 importation of illegal drugs, a capital felony punishable as
155 provided in ss. 775.082 and 921.142. A person sentenced for a
156 capital felony under this paragraph shall also be sentenced to
157 pay the maximum fine provided under subparagraph 1.

158 Section 2. This act shall take effect October 1, 2023.